

AMENDED IN SENATE APRIL 14, 2005

SENATE BILL

No. 736

Introduced by Senator Speier

February 22, 2005

~~An act to amend Section 2426 of the Business and Professions Code, relating to healing arts. An act relating to healing arts.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 736, as amended, Speier. Healing arts: financial interest reporting.

Existing law requires certain healing arts licensees to report the Medical Board of California, at the time of renewal of their license, any financial interest that the licensee or a member of the licensee's immediate family may have in a health-related facility. Existing law defines the term "health-related facility" to include a facility for diagnostic imaging.

This bill would provide that the term "diagnostic imaging" includes any device that provides any combination of specified modalities require the board to report to the Legislature by January 31, 2006, regarding those reports submitted to the board by healing arts licensees.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 2426 of the Business and Professions~~
- 2 ~~Code is amended to read:~~
- 3 ~~SECTION 1. The Medical Board of California shall, by~~
- 4 ~~January 31, 2006, report to the Legislature on all information~~

1 *reported to the board pursuant to Section 2426 of the Business*
2 *and Professions Code. The report shall include information*
3 *regarding any sanctions the board has imposed pursuant to*
4 *subdivision (d) of Section 2426 of the Business and Professions*
5 *Code.*

6 ~~2426. (a) A licensee shall report to the board at the time of~~
7 ~~renewal of a license any financial interest that the licensee or a~~
8 ~~member of the licensee's immediate family may have in a~~
9 ~~health-related facility. The report shall be made on a form~~
10 ~~provided by the board.~~

11 ~~(b) For purposes of this section, all of the following shall~~
12 ~~apply:~~

13 ~~(1) A "financial interest" includes, but is not limited to, any~~
14 ~~type of ownership interest, debt, loan, lease, compensation,~~
15 ~~remuneration, discount, rebate, refund, dividend, distribution,~~
16 ~~subsidy, or other form of direct or indirect payment, whether in~~
17 ~~money or otherwise, to a licensee or the licensee's immediate~~
18 ~~family from a health-related facility.~~

19 ~~(2) A "financial interest" also exists if there is an indirect~~
20 ~~relationship between a licensee and the health-related facility~~
21 ~~including, but not limited to, an arrangement whereby a licensee~~
22 ~~has an ownership interest in an entity that leases property to the~~
23 ~~health-related facility. Any financial interest transferred by a~~
24 ~~licensee to, or otherwise established in, any person or entity for~~
25 ~~the purpose of avoiding the reporting required by this section~~
26 ~~shall be deemed a financial interest of the licensee.~~

27 ~~(3) A "financial interest" does not include a licensee's~~
28 ~~ownership of corporate investment securities, including shares,~~
29 ~~bonds, or other debt instruments that are purchased from a~~
30 ~~licensed securities broker on terms that are available to the~~
31 ~~general public through a licensed securities exchange or~~
32 ~~NASDAQ, do not base profit distributions or other transfers of~~
33 ~~value on the licensee's referral of persons to the corporation, do~~
34 ~~not have a separate class or accounting for any persons or for any~~
35 ~~licensees who may refer persons to the corporation, and are in a~~
36 ~~corporation that had, at the end of the corporation's most recent~~
37 ~~fiscal year, total gross assets exceeding one hundred million~~
38 ~~dollars (\$100,000,000).~~

39 ~~(4) "Immediate family" includes a spouse, child, or parent of a~~
40 ~~licensee, and a spouse of a child of a licensee.~~

1 ~~(5) “Licensee” means a physician and surgeon licensed~~
2 ~~pursuant to this chapter.~~

3 ~~(6) A “health-related facility” shall include a facility for~~
4 ~~clinical laboratory services, radiation oncology, physical therapy,~~
5 ~~physical rehabilitation, psychometric testing, home infusion~~
6 ~~therapy, diagnostic imaging, and outpatient surgery centers.~~
7 ~~“Diagnostic imaging” shall include, but is not limited to, all~~
8 ~~X-ray, computed axial tomography, magnetic resonance imaging,~~
9 ~~nuclear medicine, positron emission tomography,~~
10 ~~mammography, or any device that provides any combination of~~
11 ~~those modalities, and ultrasound goods and services.~~

12 ~~(c) The information reported to the board shall be available to~~
13 ~~government agencies and public or private payers.~~

14 ~~(d) The board may impose appropriate sanctions, including the~~
15 ~~issuance of a citation and civil penalty under Section 125.9,~~
16 ~~against any licensee who fails to comply with this section.~~